

PRESENT

Commissioner Kathy Carter
Commissioner Lynn Bowers
Commissioner Rodney Williams
Commissioner J. W. Bryan
Mayor William I. May, Jr. (5)

ABSENT

None (0)

The Invocation was given by Tom Snyder, Deacon, Good Shepherd Church. The Pledge of Allegiance was led by John Hammond.

It was moved by Commissioner Williams, seconded by Commissioner Carter, that the reading of the minutes of the July 24, 2006 Regular Meeting; August 14 Special Meeting; August 14, 2006 Work Session; August 17, 2006 Work Session; and August 21, 2006 Special Meeting be dispensed with and the minutes be approved as previously corrected and presented. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

Ceremonial Items

Bernard Woods was recognized for retirement, having worked 27 years for the City. Mr. Woods was not in attendance.

“AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF FRANKFORT, KENTUCKY; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; AND PROVIDING FOR THE MANNER OF AMENDING SUCH CODE” was presented and read. The Ordinance had its first reading on August 14, 2006. It was moved by Commissioner Carter, seconded by Commissioner Williams, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 19, 2006 Series).

“AN ORDINANCE AMENDING ORDINANCE NO. 23, 2005 SERIES AND ORDINANCE NO. 3, 2004 SERIES, BEING THE ADOPTED SUBDIVISION AND DEVELOPMENT PLAN REGULATIONS FOR FRANKFORT AND FRANKLIN COUNTY, BY AMENDING SECTION 2.07.01 PUBLIC OPEN SPACE REQUIRED AND SECTION 3.07.01 PUBLIC OPEN SPACE REQUIRED IN ITS ENTIRETY” was presented and read.

“AN ORDINANCE ESTABLISHING STEP-UP PAY” was presented and read.

“AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES CHAPTER 40 POLICE AND FIRE DEPARTMENT, SECTION 40.36- SAME- FIRE AND SAFETY INSPECTOR; FIRE TRAINING OFFICER” was presented and read.

“AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES SECTION 115.09 TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES ON NEW YEARS EVE” was presented and read. Discussion followed.

“RESOLUTION AUTHORIZING THE FRANKFORT YMCA TO ACCEPT ALL ALLOCATED FUNDS AND TO EXECUTE ALL DOCUMENTS PERTAINING TO THIS GRANT” was presented. It was moved by Commissioner Bowers, seconded by Commissioner Carter, that the Resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 11, 2006 Series).

“RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR 2006 RENAISSANCE ON MAIN GRANT FUNDS AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS PERTAINING TO THE APPLICATION AND GRANT” was presented. It was moved by Commissioner Carter, seconded by Commissioner Williams, that the Resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 12, 2006 Series).

“RESOLUTION ASSIGNING THE CITY OF FRANKFORT FINANCE DIRECTOR AS THE DESIGNATED APPLICANT'S AGENT TO ADMINISTER FEMA DISASTER RELIEF AND GRANT FUNDING (FRANKFORT DES)” was presented. It was moved by Commissioner Carter, seconded by Commissioner Williams, that the Resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 13, 2006 Series).

Consent Agenda

The following miscellaneous and personnel items were presented:

- 6.1 Approved the lowest bid for demolition of 283 Chandler Avenue and authorized the Mayor to sign the Memorandum of Agreement with John Feshal, Jr. in the amount of \$7,500; funds budgeted in Account No. 100.70.53295 (Planning and Building Codes);
- 6.2 Authorized additional funds through Amendment #4 for the engineering contract with Bell Engineering, Inc. for the wastewater treatment plant liquid oxygen ozone disinfection system; contract amendment to complete preparation of specification and drafting services and construction site inspection; amount of Amendment #4 \$17,000, bringing total contract amount to \$60,000; funds available in Account No. 300.67.53295 (Sewer Department);
- 6.3 Authorized Mayor to sign a Joint Funding Agreement with the U.S. Geological Survey (USGS) to operate the gauging station upstream of Lock 4 in the Kentucky River; funds available in Account No. 200.68.53295 with an annual cost of \$2,580 (Sewer Department);
- 6.4 Authorized a Sewer Extension Contract with William L. Crumbaugh, Member, Pebble Brook Development, LLC; Pebble Brook Subdivision is properly zoned for residential development of 98 lots; improvements include 32 new manholes and 5,327 feet of 8-inch SDR 35 pipe serving lots 1 through 98; Division of Water has approved the sanitary sewer plans and specifications.; final acceptance is contingent upon completion of the 30-day waiting period for testing after construction is completed (Sewer Department);
- 6.5 Authorized contract award to Duke's Root Control, Inc. to provide chemical root control services in sewer mains; contract will allow the Department to treat approximately 5 miles of sewers, with a three-year warranty period; contract is unit price contract with a \$50,000 contract limit; funds available in Account No. 300.68.54335 (Sewer Department);
- 6.6 Authorized a bid award to Walters Buildings for the Street Division Administration Building for low bid amount of \$123,900; funds available in Account No. 100.62.56550 (Public Works);
- 6.7 Authorized a bid award to Jackson's Construction and Home Improvement for the Sanitation Division Administration Building; Jackson's Construction was only bid received, in the amount of \$148,973 which exceeded budget; specifications negotiated to reduce price to within budget at \$135,000; \$4,000 available in Account No. 100.95.53295 (Reserve for Contingency) and \$131,000 from 100.65.56550 (Sanitation Equipment Account) (Public Works);
- 6.8 Authorized a bid award to Municipal Equipment for one 2006 New Way Garbage Truck in the amount of \$110,151; older truck to be declared surplus; funds available in Account No. 100.65.56550 (Public Works);
- 6.9 Authorized bids for three transit buses and one passenger van, and authorization to use funds from the Transportation Improvement Account for the 10% local match; 90% funding from federal and state grants; estimated cost of three (3) busses and one (1) passenger van

- is \$190,000 with Federal Share (80%, \$152,000), State Share (10%, \$19,000), City Share (10%, \$19,000); City's share of cost available in the Transportation Improvement Account (Account No. 530-00-51100); replaced vehicles to be declared surplus (Public Works – Transit);
- 6.10 Authorized expenditures under the existing BFI contract for disposal of dewatered biosolids at the wastewater treatment plant; unit cost of \$13.96 per wet ton, under existing contract; funding available in the amount of \$90,000 in Account No. 300.68.53295 (Sewer Department);
- 6.11 Authorized award of additional funds (Amendment #1) to the engineering contract with GRW Engineers for the design of the new Pump Station along the US 421 corridor to replace the Industrial Park Pump Station; amendment includes funding for the design and bidding services of the pump station and force main, as well as permitting and a site survey of the final pump station location; fees based on standard Rural Development fee curves; funds available in the amount of \$149,092 in Account No. 450.68.56550 (Sewer Department);
- 6.12 Authorized payment for Historical Highway Markers for Oliver Percy Rood and Greenhill Cemetery for a total cost of \$3,500; funds available in Account No. 100.10.53295;
- 6.13 Authorized an Agreement to establish a Disputes Review Board to assist in the resolution of disputes and claims that may arise between the City and Affholder, Inc. on the East Main Outlet Tunnel project; the City to reimburse the board members for all services and expenses; Three site visits scheduled at a cost of \$5,000 each; funds available in the Bond issue (Public Works);
- 6.14 Personnel:
- Appointment of Douglas G. Young to License Enforcement Officer effective 8-29-06 (Finance Department);
 - Appointment of Roger L. Gay to Tech I, effective 8-29-06 (Sanitation Department);
 - Retirement of Bernard Woods, Jr., effective 8-31-06, and authorized payment of all accrued vacation time as of effective date (Sewer Department);
 - Authorized conditional offers of employment to the following persons:
 - Charles S. Shaw, Firefighter I
 - Richard W. Frost, Firefighter I
 - Kenneth A. Barnett, Firefighter I
 - Joshua S. Kyle, Firefighter I.

It was moved by Commissioner Carter, seconded by Commissioner Williams, that the Consent Agenda be approved. Commissioner Bryan previously filed a vote modification form with the City Clerk abstaining on Consent Agenda Item 6.11. All members being present, the motion to approve the consent agenda was adopted without additional objection.

Board Appointments

It was moved by Commissioner Bowers, seconded by Commissioner Carter, to accept the Mayor's recommendation to reappoint John Downs to the Architectural Review Board, for a term ending 9-12-09; to reappoint Roger Stapleton to the Architectural Review Board, for a term ending 9-12-09; to accept the letter of resignation from Joe Johnson from the Architectural Review Board, and appoint Donald D. Perry to complete the term of Mr. Johnson, ending 9-12-08. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

Old Business

Following discussion, it was moved by Commissioner Bowers that the special meeting scheduled to be held in conjunction with the Franklin County Fiscal Court on October 2, 2006, concerning pending litigation relating to the recent annexation be an open meeting. The motion failed to receive a second.

Commissioner Bowers requested that Terry Sutton be recognized. Following a request by Mr. Sutton, it was moved by Commissioner Bowers that the Order adopted in November 2005 renaming the 400 block of Kentucky Avenue be rescinded. The motion failed to receive a second. At the recommendation of Commissioner Bryan, it was agreed to review Mr. Sutton's request to rescind the order renaming the 400 block of Kentucky Avenue at the September 11 work session. At the request of Commissioner Bowers, Human Resources Director John Morrow clarified Item 3.3 concerning step-up pay. Citizen Anne Gibbs commented regarding closed meetings and annexation, and Commissioner Bryan commented on Agenda Item 3.5.

New Business

"AN ORDINANCE FIXING THE RATE OF TAXATION FOR THE YEAR 2007 ON ALL MOTOR VEHICLES AND LEVYING SAID TAX FOR ALL CITY PURPOSES" was presented and read.

Mayor May declared the public hearing on Item 9.2, an Ordinance Fixing the Rate of Taxation for the Year of 2006 on all Tangible Property Subject to Tax, Trust, and Insurance Companies, Public Service Companies and Levying Said Tax for all City Purposes, open for public comments. There being no comments, it was moved by Commissioner Bowers, seconded by Commissioner Carter, that the hearing be closed. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

"AN ORDINANCE FIXING THE RATE OF TAXATION FOR THE YEAR 2006 ON ALL TANGIBLE PROPERTY SUBJECT TO TAX, TRUST AND INSURANCE COMPANIES, PUBLIC SERVICE COMPANIES AND LEVYING SAID TAX FOR ALL CITY PURPOSES" was presented and read.

Citizen Comments

Comments were heard from Eric Burke representing Holmes Street Neighbors concerning code enforcement issues; Commissioner Bowers asked if minutes were available on the City's web site and commented regarding the proposed proactive code enforcement program; City Manager Tony Massey reported that PlanGraphics would make a presentation at the September 11 Work Session; and Diana Looney commented concerning proactive code enforcement and the aquatic center hearing.

Commissioner Comments

Commissioner Carter recognized Sewer Department employees Mark Pardi and Wade McDonald, and Historic Properties employee Russ Hatter, and noted that Downtown Frankfort, Inc. has a new Executive Director, along with efforts to locate businesses downtown; Commissioner Bryan commented concerning the recent plane crash in Lexington and complimented Frankfort Public Safety employees on their role at the scene.

It was moved by Commissioner Carter, seconded by Commissioner Bowers, that the meeting adjourn. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted, and the meeting adjourned at 6:49 p.m.

Mayor

Attest:

City Clerk